



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline - Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Lyle Raymond Hardman

B. Current home and office addresses, including email addresses and telephone numbers.

Hunt, Suedhoff, Kalamaros, L.L.P.
120 W. LaSalle Ave., Twelfth Floor
P.O. Box 4156
South Bend, IN 46634-4156
(574) 232-4801

C. Date and place of birth.

January 14, 1966
Milwaukee, Wisconsin

- D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

The release has been executed and returned, under separate cover, to Adrienne Weiring per her request.

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

A photograph is attached.

- III. A. State in what county you currently reside and since what date.

St. Joseph County, July, 2001

- B. List all previous counties of residence, with dates.

Porter County, May, 1991 to July, 2001

Marion County, 1976 to May, 1991

- C. When were you admitted to the Indiana Bar?

October 25, 1991

- D. Are you currently on active status?

Yes.

- E. What is your attorney number?

16056-49

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying).

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
DePauw University	1984-1988	B.A., cum laude
Butler University	Summer 1986	See DePauw transcript

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying).

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University School of Law - Bloomington	1988-1991	J.D.

C. Describe any academic honors, awards and scholarships you received and when.

National Merit Honor Scholarship, Honorable Mention - 1984
 Presidential Academic Fitness Award - 1984
 National Honor Society - 1984
 Dean's List, four semesters, DePauw University, 1987-1988
 Dean's List, two semesters, Indiana University School of Law, 1990-1991
 Who's Who of American Law Students, 1991
 BV rating, Martindale Hubbell

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Hunt, Suedhoff, Kalamaros, L.L.P.
 120 W. LaSalle Ave. Twelfth Floor
 P.O. Box 4156
 South Bend, Indiana, 46634-4156
 Associate Attorney, June, 2001 to July, 2005
 Partner, July, 2005 to present

Eichhorn & Eichhorn
 200 Russell Street
 P.O. Box 6328
 Hammond, Indiana, 46325
 Associate Attorney, May, 1991 to December, 1996

Partner, January, 1997 to May, 2001

- B. If applicable describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

My law practice has been concentrated in complex litigation, products liability, medical malpractice, professional malpractice, legal malpractice, construction law, general negligence and tort law, contract actions, personal injury, civil litigation at the state and federal level, trials, municipal law, and insurance defense.

My partners and associates at Hunt, Suedhoff, Kalamaros, L.L.P., are: P. Michael Miller, Robert E. Kabisch, J. Scott Fanzini, Arthur G. Surguine, Michael D. Mustard, Thomas F. Cohen, Branch R. Lew, James J. Shea, Scott L. Bunnell, Dane L. Tubergen, Robert D. Woods, Kevin W. Kearney, Philip E. Kalamaros, N. Jean Schendel, Timothy W. DeGroote, Stephen E. Dever, Linda A. Polley, Daniel J. Palmer, Charles H. Bassford, Peter J. Bagiackas, Keith C. Doi, Thomas R. Hamilton, Orfej P. Najdeski, Nicholas Nahorski, Andrew S. Williams, Jessica Greyerbiehl, Eric M. Wilkins, Jeriamiah L. Joseph, Todd P. Gilbert, Karol A. Schwartz, Jennifer L. Worth, Patricia A. Mastagh, Emily R. Yoder, Codie J. Ross, Dinah H. Sampson, Ryan J. Guillory, Thomas C. Ewing, and Amanda R. Wishin.

- C. Describe the extent of your jury experience, if any.

I have tried approximately 20+ cases as sole counsel, lead counsel, and second chair. I have most recently tried, to a jury, as lead counsel, an environmental exposure case that lasted six days. The case was tried in the St. Joseph Superior Court in February, 2010.

- D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

Not applicable.

- VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

David Lasco and Lax, Inc. v. Estate of Richard Mayer and Spangler, Jennings

& Dougherty, P.C., 37C01-0704-PL-168, January 15, 2010.

Bryon Uylaki v. Town of Griffith, 45A05-0706-CV-0307, October 4, 2007

Bucko Construction Co. v. Monroe Guaranty Insurance Company, 45A03-0608-CV-380, November 15, 2006

Ozinga Transportation Systems, Inc. v. Michigan Ash Sales, Inc., and Northern Indiana Public Service Company, 45A04-9603-CV-111, July 23, 1996

NKC Hospitals, Inc., et al. v. Diana Sword, et al., 10S05-9610-CV-637, February 15, 1999

- B. If applicable, list up to five legislative drafts or court rules you have written or to which contributed significantly. Refer to them by official citation, by date, and by subject matter.

Not applicable.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

A Guide to Indiana's Medical Malpractice Act, published by Hunt, Suedhoff, Kalamaros, L.L.P., Spring and Fall, 2002. The article was an overview of the complexities and salient features of Indiana's Medical Malpractice Act for attorneys unfamiliar with the Act.

- D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Please see the attached.

- E. Describe the nature and extent of any *pro bono* legal services you have contributed.

I have represented the indigent through Indiana Legal Services, Inc., and the District 2 Pro Bono Legal Services Committee. I have received a letter of appreciation for my assistance in the District 2 pro bono program.

- F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

Estate of Nicholas Rice v. Oaklawn Psychiatric Center, Inc. This federal civil rights case involved the tragic death of a young man who suffered from a severe mental illness while incarcerated at the Elkhart County Jail. The complaint included a \$24,000,000 demand. Mr. Rice's estate filed suit against the jail, Elkhart County, the jail staff, and doctors and nurses who cared for Mr. Rice, both at the jail and at outside institutions. The case involved a significant damages claim, extensive discovery, and complex legal issues. Despite the very real possibility of an excess verdict, the case was disposed of by summary judgment by arguing that Mr. Rice's death was not foreseeable or preventable.

Mussman v. Bulger. This case was a construction design defect case. The plaintiffs were alleging millions of dollars in damages as a result of an allegedly defective commercial heating, ventilation, and air conditioning system. The case involved tens of fact witnesses, all of whom were experts in their own rights, as well as many hired experts on both sides. The case was factually and legally complex. Resolution of the case was significantly complicated by the personalities of the parties involved. Through patience, perseverance, hard work, quick thinking and accommodation with opposing counsel, counsel for both parties were able to resolve the case with no exchange of funds.

Shelley Marshall, et al. v. The Hickey Group, et al. In this case, several plaintiffs filed suit against the Hickey Group, a South Bend construction company for personal injuries and property damage resulting from exposure to toxic substances in residential construction in a new subdivision. Following extensive discovery, including depositions of many expert witnesses and treating physicians, I was successful in barring one of the plaintiffs' expert witnesses on Ind.R.Evidence 702 grounds. The case was subsequently tried, over six days. The defense portion of the trial only lasted one and a half days. While the jury found for the plaintiffs (as it should have, since liability was admitted prior to trial), the jury award was less than one-fortieth the amount sought by the plaintiffs at mediation.

Snapp v. Northern Indiana Public Service Company. I handled this matter as a young associate with only one year of experience. The case involved a negligence and nuisance claim against the defendant utility for operation of

one of its plants. The plaintiff sought compensatory and punitive damages for property damage. While there was a tremendous amount of discovery involved, including dozens of bankers' boxes worth of documents produced, and although the case dealt with complex environmental matters, including application of the Clean Air Act, the case ultimately turned on esoteric principles of nuisance and property law. Through careful consideration and application of that law, NIPSCO was able to demonstrate the plaintiff's claims were without merit. This case was especially significant because this was a test case for the plaintiff prior to filing a class action suit.

Beaver v. Foamex. This case involved a person who suffered extremely severe injuries in a recreational activity. Initial discovery demonstrated the plaintiff was unquestionably severely injured and would be handicapped for the remainder of her life. Initial discovery suggested the defendants' safety precautions were inadequate. Extensive, additional discovery demonstrated the case turned on whether the plaintiff had incurred the risk of the activity. This issue was submitted to a jury for resolution. The jury ultimately concluded the plaintiff had incurred the risk of the activity, and a defense verdict was entered.

- G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

John H. Lloyd, IV
KRIEG DEVAULT, L.L.P.
Two Edison Lakes
4101 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
(574) 277-1200

Michael W. Back
Law Office of Michael Back
5521 Lincoln Highway, Suite 103
Crown Point, IN 46307
(219) 750-9304

Peter J. Agostino
ANDERSON, AGOSTINO & KELLER

131 S. Taylor Street
South Bend, IN 46601
(574) 288-1510

- VII. A. Describe your efforts, achievements or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

In the past, I have communicated with state representatives concerning judicial pay raises. Only by ensuring adequate compensation are we able to attract well qualified candidates to local, appellate and state supreme court judicial positions. I have also been involved in defeating efforts to introduce legislation to eliminate merit selection for judges for Lake and St. Joseph Counties. I have also advocated for merit selection for Michigan's Supreme Court and appellate judges. As a member of the Legal ethics Committee for the Indiana State Bar Association, it has been my privilege to assist members of the bar with difficult legal issues. Frequently, these ethical issues have an impact on all practicing attorneys in Indiana.

- B. Describe your efforts, achievements or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I am a contributor to the Republican Party, and I have been a member of the Republican National Lawyers Association. I have also served as an electoral judge. I have also discussed proposed legislation to be introduced into the House and Senate.

- C. List any memberships and offices you held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and your involvement.

Indiana Freemasons, Tyrian Lodge. The Freemasons maintain numerous charitable organizations at the local, state, and national level, including offering scholarships and maintaining schools for handicapped children. I have been a Freemason since 2009.

Hoosier Environmental Council. The Hoosier Environmental Council is dedicated to improving the natural environment in Indiana. I have been a member or contributed to the Hoosier Environmental Council since 1988.

The World Wildlife Fund. The World Wildlife Fund is dedicated to protecting diminishing natural resources and endangered species. I have been a member or contributed to the World Wildlife Fund since 1986.

- D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana State Bar Association. This association is the professional association for attorneys practicing in Indiana. I am a committee member on the Legal Ethics Committee, as well as the Federal Judiciary Committee. Both committees meet several times a year. The Legal Ethics Committee, in particular, requires a significant contribution of time, and responds to ethical inquiries by members of the Indiana State Bar Association. I am also a member of the sections on Litigation, Insurance, Health & Medicine, and Appellate Practice. 1991 to the present.

The American Bar Association. The American Bar Association is the national professional association for attorneys. I have been a member of the sections of Litigation, Healthcare, Products Liability, Insurance, and Utility Law. 1991-2000 and 2006-2007.

The Seventh Circuit Bar Association. The Seventh Circuit Bar Association is a professional association for attorneys who practice before the United States Court of Appeals for the Seventh Circuit. 1993 to the present.

The Defense Research Institute. The Defense Research Institute consists of attorneys who engage in the practice of defending persons or entities in primarily civil suits. 1996 to the present.

The Defense Trial Counsel of Indiana. The Defense Trial Counsel of Indiana consists of trial attorneys who defend individuals and entities in civil suits. 1996 to the present.

The St. Joseph County Bar Association. The St. Joseph County Bar Association is a professional association for attorneys who practice in St. Joseph County, Indiana. 2001 to the present.

The Lake County Bar Association. The Lake County Bar Association is a professional association for attorneys who practice in Lake County, Indiana. 1991-2001.

The State Bar of Michigan. The State Bar of Michigan is the professional association for members of the Michigan bar. It is also responsible for attorney discipline. I am a member of the sections of Insurance, Litigation, and Appellate Practice. 2006 to the present.

- E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I am a member of the American Taekwondo Association and the Black Belt Club.

- F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

I have been a guest lecturer at the Valparaiso University School of Law. I have given lectures on medical malpractice, trial techniques, and alternative dispute resolution. I have also been a moot court judge for the Indiana University School of Law - Indianapolis, Maurer School of Law - Indiana University, University of Notre Dame School of Law, University of Notre Dame, and the Jessup Moot Court Competition.

- G. Describe your hobbies and other leisure activities.

I enjoy reading, movies, attending my children's activities and taekwondo.

- VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI.G.

James D. McQuillan
Spangler, Jennings & Dougherty, P.C.
8396 Mississippi Street
Merrillville, Indiana 46410
(219) 769-2323

Louis W. Voelker

Eichhorn & Eichhorn, L.L.P.
P.O. Box 6328
Hammond, Indiana 46325
(219) 931-0560

Branch R. Lew
Hunt, Suedhoff, Kalamaros, L.L.P.
803 S. Calhoun Street
Suite 900
P.O. Box 11489
Fort Wayne, Indiana 46858-1489

- B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI.G.

Kathleen Maicher
8396 Mississippi Street
Merrillville, Indiana 46410
(219) 769-2323

Steven T. Parkman
224 W. Jefferson Blvd.
Suite 311
South Bend, Indiana, 46601
(574) 246-8686

Harold T. Harper
304 W. U.S. Highway 6
Valparaiso, Indiana 46383
(219) 762-9538

- C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

Mario Sims, Sr. v. Lyle R. Hardman, Cause No. 71D07-0206-PL-260. Mr. Sims was an inmate at the Westville Correctional Facility. I was retained to represent an individual in a pro se suit filed by Mr. Sims. During my representation of that individual, Mr. Sims sued me. The case was dismissed. Mr. Sims appealed the dismissal, but the appeal was also dismissed. This is

not the only suit that Mr. Sims has filed. Mr. Sims has filed some 47 civil suits against attorneys, judges, and public figures. For some of the appellate decisions involving Mr. Sims, please see *Sims v. Scopelitis*, 797 N.E.2d 348 (Ind.Ct.App. 2003); *Sims v. State*, 771 N.E.2d 734 (Ind.Ct.App. 2002); *Sims v. Beamer*, 757 N.E.2d 1021 (Ind.Ct.App. 2001); *Sims v. Crone*, 748 N.E.2d 440 (Ind.Ct.App. 2001) (Table); *Sims v. Barnes*, 689 N.E.2d 734 (Ind.Ct.App. 1998).

- D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

No.

- E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

State Bar of Michigan, 2006 to the present.

United States District Court for the Central District of Illinois, 2007 to the present.

- F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

Not applicable.

- G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

Not applicable.

- IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes.

JUNE 24, 2010
DATE

Lyle R. Hardman
APPLICANT'S SIGNATURE

LYLE R. HARDMAN
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

JUNE 24, 2010
DATE

Lyle R. Hardman
APPLICANT'S SIGNATURE

LYLE R. HARDMAN
PRINTED NAME